

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

★ NOV - 1 2011 ★

~~BROOKLYN OFFICE~~

MARIBEL REYES,

Civil Action No.:

Plaintiff,

-against-

CLIENT SERVICES INC.,

Defendant(s).

CV 11 - 5310
COMPLAINT

BIANCO, J.
DEMAND FOR JURY TRIAL

Plaintiff MARIBEL REYES ("Plaintiff"), by and through her attorneys, M. Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant CLIENT SERVICES INC., hereinafter referred to as Defendant(s)", respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action on her own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New York, residing at 1351 Wilson Road, East Meadow, NY 11554.

3. Defendant CLIENT SERVICES INC. is a corporation in Missouri, with their address at 3451 Harry S. Truman Road, Saint Charles, MO 63301.

4. The Defendant is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, Defendant, on behalf of a third-party, began collecting an alleged consumer debt from the Plaintiff.

9. On information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communicating with the Plaintiff by calling the Plaintiff's phone at approximately the end of December 2010/January 2011.

10. The Plaintiff returned the Defendant's phone call on January 12, 2011 and spoke to one of the Defendant's managers, Bob Green. Plaintiff said she would send in a letter to validate the debt and would take no action until she received the validation. Defendant's manager, Bob Green became argumentative with Plaintiff and implied that she was stalling for time, and then abruptly hung up the phone. The Defendant's manager, Bob Green did not disclose that the Defendant was a debt collector.

11. The Defendant violated 15 USC § 1692e (11) by failing to give the required disclosure that they are a debt collector. Under 15 USC § 1692e (11) all communications must contain the required disclosures identifying themselves as a debt

collector.

12. The Defendant further violated 15 USC § 1692d-preface by engaging in conduct the natural consequence of which is to harass and abuse the Plaintiff by implying that she was insincere about having the debt verified and that she was doing so as a delaying tactic to paying.

13. The Defendant further violated 15 USC § 1692e(7) by falsely implying the Plaintiff committed conduct to disgrace the Plaintiff by implying that the Plaintiff utilized a delaying tactic to paying and was insincere in wanting the debt validated.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

14. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "13" herein with the same force and effect as if the same were set forth at length herein.

15. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 USC §1692e (11), d-preface, and 15 USC § 1692e (7).

16. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

17. Plaintiff MARIBEL REYES hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

PRAYER FOR RELIEF


WHEREFORE, Plaintiff MARIBEL REYES demands judgment from the Defendants

CLIENT SERVICES:

- A. For actual damages provided and pursuant to 15 USC §1692k (a) (1);
- B. For statutory damages provided and pursuant to 15 USC §1692k (2)
(A);
- C. For statutory damages provided and pursuant to 15 USC §1692k (2)
(B);
- D. For attorneys' fees and costs provided and pursuant to 15 USC §1692k (a) (3);
- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
September 29, 2011

Respectfully submitted,

By: 
M. Harvey Rephen, (MR3384), Esq.
M. HARVEY REPHEN & ASSOCIATES, P.C.
708 Third Avenue, 6th Floor
New York, New York 10017
Phone: (212) 796-0930
Facsimile: (212) 330-7582

Attorney for the Plaintiff Maribel Reyes

To: Client Services Inc.
3451 Harry S. Truman Rd
Saint Charles, MO 63301

(Via Prescribed Service)

Clerk,
United States District Court, Eastern of New York
(For Filing Purposes)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CASE NO.:

MARIBEL REYES,

Plaintiff(s),

-against-

CLIENT SERVICES INC.,

Defendant(s).

COMPLAINT

*M. HARVEY REPHEN & ASSOCIATES, P.C.
708 Third Avenue, 6th Floor
New York, New York 10017
Phone: (212) 796-0930
Facsimile: (212) 330-7582*
